

ENTERED

September 17, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BILLY NELSON, §
§
Plaintiff. §
§
VS. § CIVIL ACTION NO. 3:20-CV-00133
§
PNK (LAKE CHARLES) LLC, et. al. §
§
Defendants. §

ORDER

Plaintiff's Motion to Remand (Dkt. 9) has been referred to me to handle. As the parties are well aware, diversity jurisdiction is proper only when complete diversity exists between the parties and "the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs." 28 U.S.C. § 1332(a). "Complete diversity" means that a plaintiff may not share citizenship with any defendant. *Whalen v. Carter*, 954 F.2d 1087, 1094 (5th Cir. 1992). A party asserting diversity jurisdiction must "distinctly and affirmatively" allege the citizenship of the parties. *Getty Oil Corp. v. Ins. Co. of N. Am.*, 841 F.2d 1254, 1259 (5th Cir. 1988).

A corporation is a citizen of the state in which it was incorporated and the state in which it has its principal place of business. *See* 28 U.S.C. § 1332(c)(1) ("[A] corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business."). The citizenship of limited liability entities is determined by the citizenship of their members. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

When members of a limited liability entity are themselves entities or associations, citizenship must be traced through however many layers of members there are until arriving at the entity that is not a limited liability entity and identifying its citizenship status. *See Mullins v. TestAmerica, Inc.*, 564 F.3d 386, 397-98 (5th Cir. 2009). This can oftentimes be a complicated and lengthy process.

After reviewing the Notice of Removal, Motion to Remand, and related documents on the Court's docket, I cannot determine the citizenship of several of the defendants. I, therefore, order PNK Lake Charles, LLC ("PNK") to file a "List of Citizenship" by 5 p.m. on Monday, September 21, 2020, clearly identifying (1) the state of incorporation and the principal place of business for Penn National Gaming, Inc.; (2) the state of incorporation and the principal place of business for Pinnacle Entertainment, Inc.; and (3) the name and citizenship of each member of PNK, providing enough detail so I can fully understand how the citizenship of each member was determined.

SIGNED this 17th day of September, 2020.



ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE